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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,573	02/10/2000	Young-Soon Cho	0630-0982P	2817

7590 09/29/2003
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EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/29/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,573

Applicant(s)

CHO ET AL.

Examiner

Thomas M Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/500,573.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik, EP 0715247 A1.

In reference to claim 1:

Stefik (Page 3, lines 44, 45) and (Page 4, lines 1-10) disclose a system or “method” for managing a digital data file comprising:

Reading a header of a digital data file stored by an external device; “The check of the usage rights essentially involves a determination of whether a right associated with the access request has been attached to the digital work and if all conditions associated with the right are satisfied” (lines 4-6)

Controlling whether to upload said digital data file based on said read header. “If access is granted repository 1 transmits the digital work to repository 2” (lines 7-8)

In reference to claim 2:

Stefik(Page 12, lines 38-45) discloses a method wherein said controlling step comprises prohibiting said digital data file from being uploaded from said external device when said read header matches a first predetermined header, the first predetermined header being the usage rights when the copy count is set to zero.

In reference to claim 3:

Stefik(Page 12, lines 38-45) discloses a method that further comprises Permitting uploaded of said digital data file from said external device when said read header matches a second predetermined header, the second predetermined header being the copy count set to unlimited.

In reference to claim 4:

Stefik(Page 12, lines 38-45) discloses a method further comprising

- permitting uploading of said digital data file from said external device when said read header matches a third predetermined header, where the third predetermined header is the default setting where the copy count is set to one.
- changing said read header to said first predetermined header after uploading said digital data file when said read header matches said third predetermined header, where the third predetermined header is one, and the first predetermined header is zero, indicating that no further uploads are permitted.

In reference to claim 6:

Stefik(page 4, lines 40-45) discloses a method wherein the external device is a device capable of rendering a digital work into its desired form or a “digital data player.”

In reference to claim 7:

Stefik(page 4, lines 40-45, lines 49-52, 58) discloses a method wherein the external device is a repository for digital works or a “digital data storage medium.”

In reference to claim 8:

Stefik(page 6, table 1, Document-Descr) discloses a method wherein the file’s “description block” or read header identifies a source of digital data file.

In reference to claim 9:

Stefik(page 3, lines 46-47) discloses a method wherein the digital data file is an audio or video file.

In reference to claim 10:

Stefik(Page 12, lines 38-45) discloses a method wherein the controlling step comprises Permitting uploading of said digital data file from said external device when said read header matches a first predetermined header, where the first predetermined header is the copy count set to unlimited.

In reference to claim 11:

Art Unit: 2134

Stefik(Page 12, lines 38-45) discloses a method wherein the controlling step further comprises

- Permitting uploading of said digital data file from said external device when said read header matches a second predetermined header, where the second predetermined header is the copy count set to one.
- Changing said read header to a third predetermined header after uploading said digital data file when said read header matches said second predetermined header, said third predetermined header indicating that no further uploads are permitted, where the third predetermined header is the copy count set to zero.

In reference to claim 12:

Stefik(Page 12, lines 38-45) discloses a method wherein the controlling step comprises

- Permitting uploading of said digital data file from said external device when said read header matches a first predetermined header where the first predetermined header is the copy count set to one.
- Changing said read header to a second predetermined header after uploading said digital data file when said read header matches said first predetermined header, said second predetermined header indicating that no further uploads are permitted, where the second predetermined header is the copy count set to zero.

Claims 13-20 are rejected for the same reasons as presented above.

Art Unit: 2134

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Ho whose telephone number is (703)305-8029. The examiner can normally be reached on M-F from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached at (703)308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5484.

TMH

September 9th, 2003


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Claim Rejections - 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as obvious over Stefik.

Stefik(Page 12, lines 38-45) discloses a method further comprising

With regards to claim 5, Stefik fails to disclose

- permitting uploading of a said digital data file from said external device when said read header matches a second predetermined header and
- changing read header to said predetermined header after uploading said digital data file when said read header matches said second predetermined header.

Although this is not explicitly stated in Stefik, it would have been obvious to one of ordinary skill in the art at the time of invention to change the said read header to said first predetermined header from the second predetermined header after uploading the digital data file, given the necessity in a digital data distribution system to prohibit access to formerly unrestricted digital data file, when it becomes necessary to.